

## **REMARKS**

This paper is filed in response to the Office Action dated September 21, 2004. As this paper is filed on December 21, 2004, the paper is timely filed.

### **I. Status of Amendments**

Claims 28-36 were pending prior to this amendment. By this amendment, applicant amends claims 28-32 and 34. Thus, claims 28-36 remain pending.

### **II. Response to the September 21 Office Action**

Applicant responds as follows:

#### **1. Objections to the Claims**

Applicant has amended claims 28-32 and 34 as suggested by the examiner. The objections should be withdrawn.

#### **2. Rejections based on 35 U.S.C. 112, second paragraph**

Claims 26-36 were rejected under 35 U.S.C. 112, second paragraph, as being allegedly indefinite. In particular, claims 28 and 34 were discussed.

In regard to claim 28, applicant has amended the claim to recite that the at least one resource item is the one corresponding to the player selection in line 18. Respectfully, applicant submits that the at least resource item at issue could not possibly be the at least one resource item selected by the processor, as that at least one resource item is the at least one resource item with which the processor is determining if there is a match. Applicant submits that it would also have been understood that it was not the at least one resource item awarded to the player in line 10. Consequently, applicant submits that there has been no change in scope because of this amendment.

In regard to claim 34, applicant has amended the claim to recite that the at least one resource item is the one corresponding to the player selection. However, as stated in regard

to claim 28, applicant submits that this amendment does not result in a change in scope as a consequence.

**3. Rejections based on 35 U.S.C. 103**

Claims 28-36 were rejected under 35 U.S.C. 103 as being allegedly unpatentable over Cole et al. (U.S. Patent No. 6,612,575). Applicants have the following comments regarding Cole et al.

Claim 28 recites a gaming apparatus including a value input device, a display element, and a processor operatively coupled to the value input device, the display element, and a memory. The processor receives a wager via the value input device from a player, causes the display element to display an image representative of a base game, and determines if an event has occurred in the base game. The processor awards the player at least one resource item to a set of player resource items from a set of possible resource items, the set of possible resource items comprising a plurality of resource items, if the event has occurred. The processor also determines if a bonus event has occurred, causes the display element to display an image representative of a bonus game if the bonus event has occurred, selects at least one resource item from the set of possible resource items if the bonus event has occurred, receives a player selection of at least one resource item from the set of player resource items if the bonus event has occurred, and the processor determines if the at least one resource item selected by the processor from the set of possible resource items matches the at least one resource item from the set of player resource items corresponding to the player selection.

Contrary to the September 21 Office Action, Cole et al. does not disclose, suggest or teach the processor awarding the at least one resource item to a set of player resource items from a set of possible resource items, the set of possible resource items comprising a plurality of resource items, if the event has occurred in the base game. Moreover, Cole et al. does not disclose, suggest or teach the processor receiving a player selection of at least one resource item from the set of player resource items if the bonus event has occurred, and determining if the at least one resource item selected by the processor from the set of possible resource items matches the at least one resource item from the set of player resource items corresponding to the player selection.

At the outset, the sections of Cole et al. at col. 11:52-53 and col. 14:22-23 do not disclose, teach or suggest “awarding the at least one resource item to a set of player resource items form a set of possible resource items, the set of resource items comprising a plurality of resource items, if the event has occurred” in the base game, let alone with the allegedly corresponding resource item of Cole et al. later relied upon to allegedly show “matching the player selected resource item with an indicia selected from the spinning wheel.” Instead, the sections at col. 11:52-53 and col. 14:22-23 simply state that “if the player has received a winning combination, then in a step S5, the player is paid the winnings” and “that in the next spin the player received the combination of three stars on the main game reels 22.” These passages state nothing in regard to awarding of an allegedly corresponding resource item that meets the limitations of claim 28, let alone the allegedly corresponding resource item relied upon later in the same paragraph.

Moreover, the section of Cole et al. at col. 16:29-30 does not disclose, teach or suggest “receiving a player selection of at least one resource item from the set of player resource items if the bonus event has occurred.” To the extent that Cole et al. states that “a player may select the indicia 124,” the indicia 124 relied upon as the allegedly corresponding “at least one resource item from the set of player resource items” does not meet the limitations of claim 28 in regard to the resource item, specifically that the at least one resource item be awarded to a player set of resource items and that the player selection be received if the bonus event has occurred. As stated in Cole et al., the allegedly corresponding indicia 124 are displayed in the display 150 (col. 15:63-65) and the “player is permitted to pick or select a particular indicia 124 which will comprise a ‘win all’ indicia 144 when associated with the bonus wheel 140” (col. 16:2-5) without any prior awarding of the allegedly corresponding at least one resource item to the player’s allegedly corresponding resource set. Thus, the allegedly corresponding indicia 124 cannot be the at least one resource item of claim 28.

Lastly, the section of Cole et al. at col. 16:30-31, 34-36 and col. 18:57-60 does not disclose teach or suggest “determining if the at least one resource item selected by the processor from the set of possible resource items matches the at least one resource item from the set of player resource items corresponding to the player selection.” As pointed out in the preceding paragraph, the allegedly corresponding resource item, indicia 124, does not meet all of the limitations of claim 28, so the section at col. 16:30-31 and 34-36 is inapplicable.

Moreover, the section at col. 18:57-60 adds nothing over that taught at col. 16:2-5, that the player selection is not from a group of resource items awarded to the player, but from a group of indicia displayed to the player irrespective of the events occurring in the base game.

Consequently, the rejection of claim 28 should be withdrawn at least for the reasons provided above, i.e., that Cole et al. does not disclose, teach or suggest the processor: (i) awarding the at least one resource item to a set of player resource items from a set of possible resource items, the set of possible resource items comprising a plurality of resource items, if the event has occurred in the base game; (ii) receiving a player selection of at least one resource item from the set of player resource items if the bonus event has occurred, and (iii) determining if the at least one resource item selected by the processor from the set of possible resource items matches the at least one resource item from the set of player resource items corresponding to the player selection.

Moreover, because claim 28 is allowable, so too are claims 29-36 that depend from claim 28.

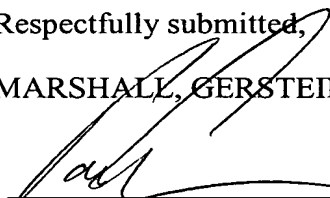
In view of the foregoing, it is respectfully submitted that the above application is in condition for allowance, and reconsideration is respectfully requested. If there is any matter that the Examiner would like to discuss, the Examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,

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